

REMARKS

Claims 11-20 are now pending in the application. Claims 11, 13, 18, 19, and 20 are amended. Claim 21 is added. No new matter is presented. The following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

The specification is objected to for containing text that is too small. Applicants herewith submit a substitute specification that contains text with the appropriate font to overcome the cited objection. Therefore, Applicants request the withdrawal of the objection to the specification.

Claim 18 is objected to for containing a typographical error. Claim 18 is amended. Therefore, Applicants request the withdrawal of the objection of claim 18.

Claims 13 and 18-20 are rejected under 35 U.S.C. 112, second paragraph. Claims 13, and 18-20 are amended to more clearly recite the features of the claimed invention. No new matter is presented. Thus, Applicants request the withdrawal of the rejection of claims 13 and 18-20 under 35 U.S.C. 112, second paragraph.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sponsel et al. (U.S. Patent Publication No. 2004/0046934) in view of Eydelman et al. (U.S. Patent No. 5,206671). The Examiner takes the position that the combination of Sponsel and Eydelman teach or suggest all the features recited in claims 11-16. Applicants respectfully disagree.

Sponsel is directed to an apparatus and method for measuring visual acuity. Specifically, Sponsel discloses a method and arrangement for measuring the sharpness of the focus element. A series of optotype letters offset from the moving fixation target are also displayed, whereby each of the optotype letters corresponds to a visual acuity.

Eydelman discloses a method for testing and treating visual dysfunctions. The method includes providing a interactive visual game that presents to the patient a visual task,

the visual game employs images scaled to the threshold visual parameter of the patient and presents a nonvisual reward to the patient for successful completion of the task.

The Examiner states that since Sponsel discloses displaying a fixation mark and Eydelman discloses that orientation of the eye to the fixation mark, the features recited in claim 10 are disclosed. Applicants respectfully disagree. It is submitted that the combination of the cited references fail to teach or suggest all the features recited in claim 10. Specifically, the cited references fail to teach or suggest moving the fixation mark in the field of vision of the patient, wherein the movement is carried out in such a way that the patient can easily follow the fixation mark.

Specifically, the presently claimed invention, provides a solution that uses a fixed mark to discourage a patient from making eye movements during the treatment of the eye without making great demands on the concentration ability of the patient. Thus, in order to avoid the undesired eye movement, the fixed mark is moved into the viewing field of the patient whereby the movement is followed so that the patient can follow the movement of the fixed mark without a problem. In contrast, Sponsel exclusively discloses the examination of sight, particularly, the measurement of the sharpness of focus of a patient. To measure the sharpness of focus, the fixation mark is not moved so that the patient's eye is slowly oriented to the moving fixation mark, but rather, merely the recognition of the fixation mark at different locations is used to measure the sharpness. As a result, the letters of different sizes and/or movable mark to be fixed in the viewing field are projected at different locations and/or different lengths of time. In other words, the fixation target of Sponsel is not the same as the fixation mark in the claimed invention. Furthermore, Sponsel does not use a fixation mark during the treatment of the eye, but rather uses displaying a fixation target which is moved to different places of the visible field to determine the sharpness of the focus of a patient.

Although Eydelman discloses the treatment of visual disturbances, Eydelman merely discloses that a patient is shown individual images with which the visual threshold of the patient is measured. Thus, it is submitted that the cited references fail to teach or suggest all the features recited in the claimed invention.

Specifically, the cited references fail to teach or suggest the feature of moving the fixation mark in the field of vision of the patient, wherein the movement is carried out in such a way that the patient can easily follow the fixation mark. The cited references disclose methods to determine the sharpness or eyesight of patient. In the claimed invention, the fixation mark is moved in a way to avoid undesired eye movement and cause problems to the patient. The fixed mark is moved into the viewing field of the patient whereby the movement is followed so that the patient can follow the movement of the fixed mark without a problem. It is submitted that the cited references fail to teach or suggest this feature. Also, it is submitted that one skilled in the art would not combine the teachings of the cited references to provide a method for displaying a fixation mark for ophthalmologic treatment devices. Therefore, Applicants request that the rejection of claim 11 be withdrawn.

Claims 12-16 are dependent upon claim 11. Therefore, it is submitted that for at least the reasons mentioned above, claims 11-20 recite patentable subject matter. Accordingly, Applicants request that the rejection of claims 11-20 under 35 U.S.C. 103(a) be withdrawn.

Claims 17-20 are rejected under 35 U.S.C. as being unpatentable over Sponsel and Eydelman and further in view of Jernigan. Applicants respectfully traverse the rejection of claims 17-20.

Claims 17-20 are dependent upon claim 11. It is submitted that for at least the reasons mentioned above, claims 11-20 recite patentable subject matter. Also, it should be noted that Jernigan does not cure the deficiencies of Sponsel and Eydelman. Jernigan merely discloses a method of determining the eyesight of a patient by which a projection apparatus presents

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the target image on various positions of the visible field and in a programmed order. In this way, the recognition of the image is used to determine the eyesight and/or sharpness of the patient. However, the combination of the cited references fail to teach or suggest moving the fixation mark in the field of vision of the patient, wherein the movement is carried out in such a way that the patient can easily follow the fixation mark. Therefore, Applicants request the withdrawal of the rejection of claims 17-20 under 35 U.S.C. 103(a).

For the reasons presented above, claims 11-20 are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,



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